IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 4TH AUGUST 2006 / 13TH SRAVANA 1928

Bail Appl..No. 4732 of 2006

LP.140/2003 of J.M.F.C.-III,NEYYATTINKARA
CRIME NO.342/2006 OF VELLARADA POLICE STATION

.....

PETITIONERS/2ND ACCUSED:

BINU, S/O. BHAGYANATHAN,
MAMBARA PUTHEN VEEDU, VP XII/419,
KIZHAKKE PANNAIMALA, KOOTHALI P.O.,
VELLARADA, NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4732/2006

DATED THIS THE 4TH DAY OF AUGUST, 2006

O R D E R

The petitioner is the second accused, in crime No.342/2006 of Vellarada Police Station. The learned counsel for the petitioner submits that he is innocent and he is not involved in the crime. However, the learned Public Prosecutor submits that accused 2 and 3 had escaped from the place of occurrence, when the police party of the Vellarada Police Station searched the premises, and they are absconding even now. The first accused was arrested with 45 liters of arrack, on 15.11.2000. The petitioner is before this Court, under Section 438 Cr.P.C.

2. The prosecution however, submitted that the matter is now pending as L.P.No.140/2003 before the Judicial Magistrate of First Class-III, Neyyattinkara. In the above facts situation, I direct the petitioner to surrender before the Judicial Magistrate of First Class-III,

Neyyattinkara, on 10.8.2006 at 11.00 a.m., after moving an application for bail and serving copy of the same, well in advance, to the prosecutor of that Court. If the copy is so served as directed above, to the Prosecutor, the learned Magistrate shall dispose of the application on the same day itself, on merit.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs